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MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of :  
Michael H. Dunn et al :  
Application No. 10/816,537 : DECISION DISMISSING PETITION  
Filed: April 1, 2004 : UNDER 37 CFR 1.313(a)  
Attorney Docket No. :  
871462.00024.PA1242380US :

This is a decision on the petition filed June 7, 2010, which is being treated as a petition under 37 CFR 1.313(a), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on March 12, 2010, with the issue fee being due on or before June 12, 2010. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

The matter is being referred to Technology Center AU 2629 for appropriate processing of the RCE filed June 7, 2010, and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions